

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Erika L. Prather,
Plaintiff

v.

Case No. 1:03-cv-555

John E. Potter, et al.,
Defendants

ORDER AFFIRMING REPORT AND RECOMMENDATION

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed September 8, 2005 (Doc. 23).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections have been filed to the Magistrate Judge's Report and Recommendation.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, **IT IS ORDERED** that the Magistrate Judge's Report is **ADOPTED** and defendants' motion for summary judgment is **GRANTED**.

The Court hereby certifies, pursuant to 28 U.S.C. § 1915(a), that an appeal of this Order would not be taken in "good faith" for the purpose of granting plaintiff

leave to appeal *in forma pauperis*. See Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997). This action is CLOSED.

SO ORDERED.

Date: September 28, 2005

s/Sandra S. Beckwith

Sandra S. Beckwith, Chief Judge
United States District Court